

**From:** David Charlap  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I disagree strongly with the proposed settlement that is about to be used against Microsoft. It is far far too weak to have any impact on the industry.

Microsoft has signed several consent agreements with the DoJ over the past decade, and they have violated many of them. This is not in question - it was proven in court during their antitrust hearings. Because of their past history of violating consent agreements, they can not be trusted to adhere to any new consent agreements.

Your proposed remedy does nothing to change Microsoft's business practices. The people responsible for their anticompetitive behavior will remain in charge of the company, and their monopoly market position remains in place. Asking them to stop will accomplish nothing, because they have already disregarded several other past consent agreements.

In other words, I believe that the proposed remedy will be completely ineffective. Microsoft will provide only token compliance with it, and will blatantly disregard any aspect that it considers overly restrictive. Any attempt by the government to prevent them from doing this will be ineffective, since all such procedures will very be time consuming. During the time it takes for the government to punish Microsoft for violating the terms of this agreement, they can run competitors completely out of business.

I believe that the only solution that will permanently curb Microsoft's repeated abuses and contempt for the legal system is to either break the company up into three divisions (operating systems, development software, and application software), or to remove all senior officers from their positions of power. I believe that the public is best served by the former remedy.

-- David